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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,867	02/18/2004	Makoto Miyazawa	Q79097	6212

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EXAMINER

NGUYEN, DUNG V

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,867

Applicant(s)

MIYAZAWA, MAKOTO

Examiner

Dung V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/18/04&5/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12 August 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazawa et al (US 2002/0160690). Miyazawa et al discloses an aspheric-surface processing method using a cutting apparatus 300 comprising a turning tool 325 movable in the same direction (Y-axis direction) as a rotating axis (Y-axis) of a work 11 and in a direction perpendicular (X-axis direction) to the rotating axis (Y-axis) of the work 11, the method comprising moving the turning tool 325 at a predetermined feed pitch in a fixed direction over a part of a region

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of the work 11 extending from a peripheral portion of the work 11 to a center of the rotating axis (Y-axis) of the work 11, moving the turning tool 325 in another direction (X-axis direction) perpendicular to the rotating axis (Y-axis) of the work 11 in order to process the work 11 for forming an axis-asymmetric aspheric surface, moving the turning tool 325 at a different predetermined feed pitch in a fixed direction over another part of a region of the work, moving the turning tool 325 at a lower feed pitch over a peripheral region of the work 11 (note Fig. 3-8, paragraphs [0068] through [0092]).

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tohara et al (USPN 6,887,405). Tohara et al discloses an aspheric-surface processing method using a cutting apparatus comprising a turning tool 2 movable in the same direction as a rotating axis (C-axis) of a work 1 and in a direction (X-axis direction) perpendicular to the rotating axis (C-axis) of the work 1, the method comprising moving the turning tool 2 at a predetermined feed pitch in a fixed direction over a part of a region of the work 1 extending from a peripheral portion of the work 1 to a center of the rotating axis (C-axis) of the work 1, moving the turning tool 2 in another direction perpendicular (X-axis) to the rotating axis (C-axis) of the work 1 in order to process the work 1 for forming an axis-asymmetric aspheric surface, moving the turning tool at a different predetermined feed pitch in a fixed direction over another part of a region of the work 1 (note Fig. 1, col. 2, lines 16-44).

5. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Yi et al (USPN 6,602,110). Yi et al discloses an aspheric-surface processing method

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using a cutting apparatus 10 comprising a turning tool 26 movable in the same direction 32 as a rotating axis 74 of a work 14 and in a direction 28 perpendicular to the rotating axis 74 of the work 14, the method comprising moving the turning tool 26 at a predetermined feed pitch in a fixed direction over a part of a region of the work 14 extending from a peripheral portion of the work 14 to a center of the rotating axis 74 of the work 14, moving the turning tool 26 in another direction 28 perpendicular to the rotating axis 74 of the work 14 in order to process the work 14 for forming an axis-asymmetric aspheric surface (note Fig. 1-3, col. 4, line 31 to col. 5, line 62, col. 6, line 66 to col. 7, line 27).

Conclusion

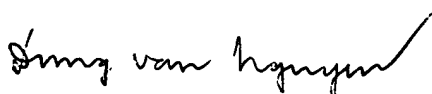
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeno et al, Yoshida et al and Siders et al are cited to show apparatus and method for processing aspherical lenses.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V. Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on M-F, 7:00-3:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DUNG VAN NGUYEN
PRIMARY EXAMINER

DVN

August 31, 2005